

Notice of Allowability

Application No.

09/696,675

Examiner

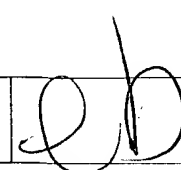
Rabon Sergent

Applicant(s)

GEIGER ET AL.

Art Unit

1711



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to telephonic interview of July 23, 2004.
2. ☒ The allowed claim(s) is/are 36-38 and 41.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 9/29/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 072504.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


Rabon Sergent
Primary Examiner
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An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Steven Sarussi on July 23, 2004.

Amendments

Amend the specification as follows:

Within lines 6 and 7 of page 3, amend the continuing data to read, --- This application is a Continuation-In-Part of U.S. Patent Application No. 09/427,050, filed October 25, 1999, now U.S. Patent 6,569,352 ---.

Amend claim 41 as follows:

Claim 41. A method for preparing a phthalate polyester-ether polyol comprising the steps of reacting

- (a) about 2 – 60 weight % of phthalic anhydride or phthalic acid; and
- (b) about 40 - 98 weight % of diethylene glycol

to form an intermediate phthalate-diethylene glycol polyester polyol, wherein the weight percents of (a) and (b) are based on the weight of the intermediate polyester polyol; and

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alkoxylating said intermediate polyester polyol with about 55 – 80 % of propylene oxide based on the weight of the phthalate polyester-ether polyol in the presence of a double metal cyanide complex catalyst.

Cancel claims 42 and 43.

Remarks

Support for the amendment to claim 41 pertaining to the alkoxylation with 55-80 weight % of propylene oxide stems from page 33 of the specification. Support for the amendment to the weight percent basis stems from lines 13 and 14 of page 12 of the specification, the examples, and the fact that 2-60 weight % of (a) and 40-98 weight % of (b) yield the intermediate and sum to 100 %.

Any inquiry concerning this communication should be directed to R. Sergent at telephone number (571) 272-1079.


RABON SERGENT
PRIMARY EXAMINER

R. Sergent

July 25, 2004